

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
STEPHEN J. TOPALIAN,

Plaintiff,

-against-

HARTFORD LIFE INSURANCE COMPANY,

Defendant.
-----X

Civ. Act. No.:
10-cv-1965 (KAM) (VVP)

**DECLARATION OF
GENIE M. GUTHRIE**

DOCUMENT
ELECTRONICALLY FILED

Genie M. Guthrie, pursuant to 28 U.S.C. §1746(2), declares under penalty of perjury the following:

1. I am currently employed as an Appeals Specialist in the Appeals Unit for Hartford Life Insurance Company ("Hartford"). I was personally involved in the review of Stephen Topalian's ("Topalian") long-term disability ("LTD") claim on administrative appeal, which included review of the applicable plan documents and the administrative record.
2. This Declaration is respectfully submitted in support of Hartford's motion for summary judgment.
3. Annexed hereto as **Exhibit "A"** is a true and correct copy of the group insurance policy no. GLT-673454 issued by Hartford to Allstate Insurance Company, insuring Group Long Term Disability Plan for Employees of Allstate Insurance Company, effective January 1, 2000, numbered TOPLIAN 000001 to TOPLIAN 000039.
4. Annexed hereto as **Exhibit "B"** is a true and correct copy of Hartford's claim file, numbered TOPLIAN 000040 to TOPLIAN 002075. The claim file constitutes the administrative

record kept and maintained by Hartford in the normal and ordinary course of its business in connection with Topalian's claim for continuing LTD benefits under the Plan.

5. The decision to deny plaintiff Topalian's claim for continuing LTD benefits was not motivated by self-interest or by a desire to avoid paying benefits. Rather, the decision was based entirely on the governing terms and provisions of the LTD Plan and the information contained in the administrative record pertaining to Topalian's claim for benefits.

6. In reaching my decision on appeal as set forth in my letter dated September 1, 2009 (TOPLIAN 001009-1016), I considered all documents and information submitted by or on Topalian's behalf in support of his claim or otherwise obtained by Hartford during both the initial claim review and upon his administrative appeal.

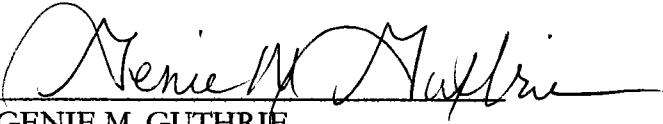
7. During my review of Topalian's denied claim on administrative appeal, I did not discuss the claim with the original LTD Claim Specialist, Ms. Debbie Staz, who made the initial recommendation to terminate benefits, or with Sharmaine McNeil, who approved Ms. Staz's recommendation, or their supervisors.

8. During my review of Topalian's denied claim on administrative appeal, I did not consider the financial impact of denying or approving his claim, or discuss that issue with anyone who works in Hartford's financial or underwriting departments.

9. As a member of the Appeals Unit at Hartford, I did not receive any remuneration, bonus, award, recognition or other incentives to uphold denied LTD claims. My performance evaluations were based on the accuracy of my decision-making regardless of whether my decision resulted in an award or denial of benefits on the claims I reviewed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 22, 2012



GENIE M. GUTHRIE

CERTIFICATE OF SERVICE

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached
DECLARATION OF GENIE M. GUTHRIE was served **via FedEx** and **email** on this 29th day of
February, 2012, upon the following:

Michael E. Quiat Esq.
Uscher, Quiat, Uscher & Russo
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Dated: New York, New York
February 29, 2012

s/
DANIEL M. MEIER (DM 2833)